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Attorney Docket No. VPI/94-04CIP2DIV5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Guy W. Bemis et al.
Application No. : 09/886,773 Confirmation No. : 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β
CONVERTING ENZYME
Group Art Unit : 1653
Examiner : D. Lukton

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TECH CENTER 1600/2900

New York, New York 10020
October 24, 2002

Hon. Commissioner for Patents
Washington, D.C. 20231

REPLY TO RESTRICTION REQUIREMENT

Sir:

This responds to the September 24, 2002 Office Action in the above-identified application. Applicants are filing this reply within the three-month statutory period, up to and including December 24, 2002 and thus no fee is due.

The Restriction Requirement

The Examiner has required restriction of the claims of this application under 35 U.S.C. § 121 into one of the following Groups:

- Group I: Compounds of formula σ and compositions thereof (claims 102-104 and 125);
- Group II: Compounds of formula π wherein R_9 is an alkyl group which is not substituted with Ar_1 , and compositions thereof (claims 105, 107 and 125);
- Group III: Compounds of formula π wherein R_9 is an alkyl group which is substituted with both Ar_1 and oxo, and compositions thereof (claims 105, 107 and 125);
- Group IV: Compounds of formula π wherein R_9 is an alkyl group which is substituted with Ar_1 but not oxo, and compositions thereof (claims 105-107, 118 and 125);
- Group V: A method of using the compounds and compositions of Group I (claims 76,* and 126-128);
- Group VI: A method of using the compounds and compositions of Group II (claims 76, and 126-128);
- Group VII: A method of using the compounds and compositions of Group III (claims 76 and 126-128); and
- Group VIII: A method of using the compounds and compositions of Group IV (claims 76 and 126-128).

The Examiner contends that the Group I-VIII inventions are distinct. The Examiner states, however, that "in the event that any of Groups I-IV is elected and claims

* Applicants believe that claim 76 should be included in Groups V-VIII, because it is directed to a method of use.

therein found allowable, the corresponding method-of-use claims will be rejoined for further examination."

Applicants elect the claims of Group I (claims 102-104 and 125) for initial substantive examination. Applicants will request rejoinder of the Group V claims with the elected group if and when any of claims 102-104 and 125 are found allowable.

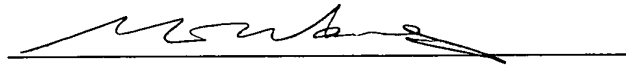
The Examiner has also required applicants to elect a species. In response to this requirement, applicants elect compound Q (claim 103).

Applicants make this election of the Group I claims expressly without waiver of their rights to file for and obtain claims directed to the unelected subject matter in either divisional or continuing applications claiming priority and benefit from this application under 35 U.S.C. § 120.

Should the Examiner feel that a telephone conference with applicants' representatives would assist the Examiner, he is invited to telephone the undersigned at any

time. Applicants request favorable consideration and early allowance of the pending claims.

Respectfully submitted,



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